IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital: the 27th day of October 2005
Bail Application no. 497 **of 2005**
Order on the bail application of accused

CRIMINAL SIDE

Vijay Kumar Gurung
S/o Satya Narayan Gurung
R/o Wing No. 6 of Barrack No. 5/6 Prem Nagar
Dehradun ....Applicant

Versus

State of Uttaranchal ….. Opposite Party

Arising out of Case Crime No. 188/59 of 2004
Under Sections 302 of I.P.C.
Police Station Cantt.
District Dehradun

By the court

Hon'ble B.C. Kandpal, J.

The applicant has applied for bail in case crime No. 188/59 of 2004 under Sections 302 I.P.C., Police Station Cantt, District Dehradun.

Heard Sri Vinod Sharma, learned counsel for the applicant, learned A.G.A. and perused the record.

I have perused the record which reveals that the victim Smt. Chandda had died on account of burn injuries in the house of her husband who is the applicant in this case.

The dying declaration of the deceased was recorded in the hospital by Naib Tehsildar in the presence of the Doctor. The victim has categorically stated in her dying declaration that she sustained burn injuries on account of the reason that her husband ablazed her by sprinkling the kerosene oil on her person.

Keeping in view the dying declaration of the deceased, I do not find any sufficient ground to enlarge the applicant on bail at this stage.

Accordingly, the bail application is rejected.

27.10.2005 **(B.C. Kandpal, J.)**
ASWAL